

III. REMARKS

The independent claims have been amended to recite that a message is transmitted to the application server before starting to establish the circuit switched telecommunications connection. This is supported by page 10, lines 4-6.

Claims 1-4, 6-8, 10-14, 16-19, 21-22, and 24 are not unpatentable under 35 U.S.C. 103(a) over Frid.

The claimed invention is concerned with the problem of cutting off a first data transmission connection during a second data transmission connection (see page 5, lines 1-4). To solve this problem, the claimed invention transmits a maintenance message before establishing a circuit switched connection. This is not disclosed or suggested by Frid.

On Page 5, last paragraph, of the Office Action, the Examiner seems to identify the message 318 in Frid as the time-out counter reset message in the present application, since this suspends the packet connection by accepting the voice (circuit-switched) connection.

The amended independent claims now clearly define that the application time-out counter reset message and circuit-switched connection accepting message are two distinct messages. It is preferable to use this order in the sequence of messages since the application time-out counter reset message is transmitted to the server S via the SGSN, whereas the message accepting the circuit-switched call is transmitted to the MSC. The MSC then informs the SGSN to suspend the packet-switched connection (as explained on p. 10, ll. 14-18). Also, as explained in the description, prompting of the user takes place between sending these messages.

Thus, the application time-out counter resetting message may advantageously reset the counter through the SGSN before the message instructing the SGSN to suspend the packet-switched connection arrives from the MSC. This way, the application time-out counter is always successfully reset before the packet-switched connection is suspended.

It is also submitted that the Examiner's rejection of claim 4 is not relevant to the amended claim 1 as the message 318 ("VoicePage Resp. (accept)") clearly is already "starting establishment of the circuit-switched telecommunications connection", and it is the message that is sent to the MSC. Further, as the Examiner concedes, this message does not reset any timers. Thus it is not "before starting to establish the circuit-switched telecommunications connection" as recited in the claims.

For all of the above reasons, the above claims are novel over Frid.

Further, Frid is concerned with the totally different problem of how to speed up the re-establishment of a packet-switched (PS) bearer service after interruption by a circuit switched (CS) connection (see col.2, ll. 62-63). As stated above, the present application addresses the problem of application-level timeout during the interrupted PS bearer connection. Optimizing the re-establishment of the PS bearer is not a goal of the claimed invention. Thus, it is not obvious to use Frid to solve the problems solved by the claimed invention (see MPEP 2143.01).

In summary, the independent claims are novel over Frid, and since Frid is for a totally different problem than that solved by the claimed invention, it would not be obvious to one of ordinary skill in the art modify it to result in the presently claimed invention.

Hence the rejection of the above-recited claims under 35 U.S.C. 103 over Frid should be withdrawn.

Claims 5, 15 and 20 are not unpatentable under 35 U.S.C. 103(a) over Frid in view of Chen.

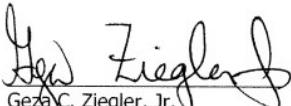
Chen totally fails to disclose the claimed feature of transmitting a maintenance message to the application server before establishing the circuit-switched telecommunication connection. Hence, even if Chen is combined with Frid, the result is not the claimed invention.

Thus the rejection of claims 5, 15 and 20 should also be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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